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Corporation Counsel

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 21 2006

at 4 o'clock and 5 min. PM
SUS BEITIA, CLERK

Attorneys for Defendants
WILLIAM P. BADUA, JEFFREY OMAI and
SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,

Plaintiff,

vs.

WILLIAM P. BADUA;
JEFFREY OMAI;
SPENCER ANDERSON;
NEIL PANG;
and DOES 5-10,

Defendants.

) CIVIL NO. CV03-476 KSC
)
) NOTICE OF HEARING;
) DEFENDANTS WILLIAM P.
) BADUA, SPENCER ANDERSON
) AND JEFFREY OMAI'S MOTION IN
) LIMINE NO. 3 RE: PRECLUDING
) STEVEN M.C. LUM, M.D. FROM
) TESTIFYING AS AN EXPERT
) WITNESS; MEMORANDUM IN
) SUPPORT OF MOTION;
) DECLARATION OF KENDRA K.
) KAWAI; EXHIBIT "A";
) CERTIFICATE OF SERVICE
)
) Date: _____
) Time: _____
) Judge: Honorable Kevin S.C. Chang
) TRIAL DATE: WEEK OF
) MARCH 14, 2006

NOTICE OF HEARING

TO: JACK SCHWEIGERT, ESQ.
550 Halekauwila Street, Room 309
Honolulu, Hawai'i 96813
and

ARTHUR E. ROSS, ESQ.
126 Queen Street, Suite 210
Honolulu, Hawaii 96813
and

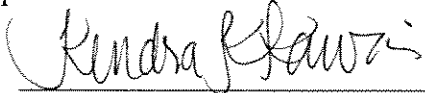
RORY SOARES TOOMEY
1088 Bishop Street, Suite 1004
Honolulu, Hawaii 96813

Attorneys for Plaintiff
OFELIA COLOYAN

PLEASE TAKE NOTICE that the undersigned will bring the foregoing
Motion on for hearing before the Honorable Kevin S.C. Chang, Magistrate Judge
of the above-entitled Court, in his courtroom at the Prince Kuhio Federal Building,
300 Ala Moana Boulevard, Honolulu, Hawaii, on the ____ day of _____, 2006, at
_____ o'clock __.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawaii, February 21, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By 
KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,	)	CIVIL NO. CV03-476 KSC
)	
Plaintiff,	)	DEFENDANTS WILLIAM P.
	)	BADUA, SPENCER ANDERSON
vs.	)	AND JEFFREY OMAI'S MOTION IN
	)	LIMINE NO. 3 RE: PRECLUDING
WILLIAM P. BADUA;	)	STEVEN M.C. LUM, M.D. FROM
JEFFREY OMAI;	)	TESTIFYING AS AN EXPERT
SPENCER ANDERSON;	)	WITNESS
NEIL PANG;)	
and DOES 5-10,)	
)	
Defendants.)	
)	
)	
)	
)	
)	


DEFENDANTS WILLIAM P. BADUA, SPENCER
ANDERSON AND JEFFREY OMAI'S MOTION IN LIMINE
NO. 3 RE: PRECLUDING STEVEN M.C. LUM, M.D.
FROM TESTIFYING AS AN EXPERT WITNESS

Defendants WILLIAM P. BADUA, SPENCER ANDERSON and JEFFREY
OMAI (hereinafter collectively "Defendants"), by and through their attorneys,
Carrie K.S. Okinaga, Corporation Counsel, and Kendra K. Kawai and
Marie Manuele Gavigan, Deputies Corporation Counsel, hereby move this
Honorable Court for an order, in limine, to preclude Steven M.C. Lum, M.D. from
testifying as an expert witness on behalf of Plaintiff.

This motion is brought pursuant to Rule 7 of the Federal Rules of Civil Procedure, LR 16.9, Rule 26 of the Federal Rules of Civil Procedure and Rules 702, 703 and 705 of the Federal Rules of Evidence, and is based upon the memorandum of law attached hereto, as well as upon the record and files herein.

DATED: Honolulu, Hawaii, February 21, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By 
KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

OFELIA COLOYAN,	)	CIVIL NO. 03-476 KSC
)	
Plaintiff,	)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
WILLIAM P. BADUA;)	
JEFFREY OMAI;)	
SPENCER ANDERSON;)	
NEIL PANG;)	
and DOES 5-10,)	
)	
Defendants.)	
)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within was duly served by hand
delivery to the following individuals at their addresses shown below on
February 21, 2006:

JACK SCHWEIGERT, ESQ.
550 Halekauwila Street, Room 309
Honolulu, Hawai'i 96813
and


ARTHUR E. ROSS, ESQ.
126 Queen Street, Suite 210
Honolulu, Hawaii 96813
and

RORY SOARES TOOMEY
1088 Bishop Street, Suite 1004
Honolulu, Hawaii 96813

Attorneys for Plaintiff
OFELIA COLOYAN

DATED: Honolulu, Hawai'i, February 21, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By: 
KENDRA K. KAWAI
MARIE MANUELE GAVIGAN
Deputies Corporation Counsel
Attorney for Defendants